

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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Federal Communications Commission
Office of Secretary

In the matter of

Closed Captioning and Video Description
of Video Programming

CS Docket No. 95-176

**FURTHER COMMENTS OF
THE ASSOCIATION OF LOCAL TELEVISION STATIONS, INC.**

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SUMMARY

ALTV urges the Commission to take a slightly more flexible approach. Whereas the Commission to a considerable extent has offered realistic and reasonable proposals, several of its proposals involve genuine risks that stations will be faced with undue economic burdens and complexities of implementation which will result in programming decisions based not on viewer needs and interests, but on the need to comply with captioning requirements. Congress contemplated neither undue economic burdens nor program decisions based on captioning compliance when it directed the Commission to adopt captioning regulations. Therefore, the Commission should modify its proposals as follows:

The Commission's timetable and exemptions should be accompanied by a stated willingness to extend the phase-in and recraft exemptions as may be dictated by marketplace conditions and other considerations in the future. Too many uncertainties and imponderables cloud the horizon to allow immediate adoption of an unalterable schedule of implementation.

Additional exemptions should be established for advertising, home shopping, interstitials, and promotional material. Marketplace considerations will assure that most such material is captioned, but an exemption likewise will assure that these program elements are not discouraged by captioning requirements which impose an undue burden on advertisers or stations. An exemption for theme music and other background and incidental music accompanying video programming also should be established. Captioning requirements reach the point of diminishing returns with respect to such program elements. In the case of both exemptions, enormous complexities of determining compliance on a minute-by-minute basis would be avoided.

Another exemption should be established for library programming already distributed to and held "on the shelf" by local television stations. The logistics and expense of adding captions to such programming ultimately would assure its departure from television screens, regardless of consumer demand for such programming.

A general safety valve exemption should be established for new programming, as well as pre-existing programming (*i.e.*, no requirement that all programming on local television stations be closed-captioned should be adopted). This is the simplest and most reliable means of maintaining the integrity of local station programming decisions and preventing an ongoing onslaught of special relief and exemption requests at the Commission.

Captioning of programming produced by local television stations should be required only after it can be shown to be cost-effective. The record confirms that many local stations simply cannot afford to caption all their local programming. If required to do so now, they would have a strong incentive to replace local programming with national programming. Local television stations also should be insulated from responsibility for captioning political advertising and programming. Finally, no new record keeping or public file requirements should be imposed on local television stations.

ALTV submits that these modifications to the Commission's proposed regime will provide the necessary assurance that local television stations are placed in the untenable and undesirable position of selecting programming based on the need to comply with captioning requirements. Congress never intended that stations be placed in that troublesome posture, and the Commission should adopt proposals consistent with what Congress envisioned.

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The following comments are submitted by the Association of Local Television Stations, Inc. ("ALTV"), in response to the Commission's *Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ ALTV is a non-profit, incorporated association of broadcast television stations unaffiliated with the ABC, CBS, or NBC television networks.² ALTV's member stations will be affected directly by the Commission's action in this proceeding.

¹FCC 97-4 (released January 17, 1997)[hereinafter cited as *Notice*].

²Local stations among ALTV's members include not only traditional independent stations, but also local television stations affiliated with the three emerging networks, Fox, UPN, and WB. As used herein, the term "local television stations" includes ALTV member stations, but excludes affiliates of ABC, CBS, and NBC.

I INTRODUCTION

In many respects, ALTV concurs with the Commission's proposals to implement Section 713 of the Communications Act.³ The Commission generally has offered proposals which reflect a realistic balance between the need to maximize captioning and the need to avoid undue burdens on local television stations. Thus, ALTV agrees with the Commission that

- Mandating immediate captioning of all new programming would be impractical.⁴
- Captioning requirements for new programming should be implemented via a reasonable phase-in period.⁵
- Local television stations may be required to display captions in unedited programming furnished to the station in captioned form.⁶
- That not all "library" programming should be subject to a captioning requirement.⁷
- Immediate or near-term captioning of library programming would be inappropriate.⁸
- Foreign language programming, primarily textual programming, instructional programming, live music performances, and local high school and college sports event coverage be exempt from captioning requirements.⁹
- Programming subject to contract limitations on addition of captioning should be exempt.¹⁰

³Section 713 requires the Commission to adopt rules and implementation schedules for captioning of video programming. Pub. L. 104-104, 110 Stat. 56 (1996), 47 U.S.C. §613.

⁴*Notice* at ¶40.

⁵*Notice* at ¶41.

⁶*Notice* at ¶47.

⁷*Notice* at ¶57.

⁸*Notice* at ¶57.

⁹*Notice* at ¶¶72, 73, 76, 82, and 84.

¹⁰*Notice* at ¶86.

- No requirements as to accuracy or quality should be imposed at this time.¹¹
- Existing complaint mechanisms should be employed to enforce the requirements as they apply to local television stations.¹²
- Complainants first ought raise their concerns with the local television station on which the programming in question is shown.¹³

ALTV sees no need to comment in depth on areas where it stands in basic agreement with the Commission. Suffice it to say, the Commission is to be commended for fashioning proposals which in most respects are sound and sensible.

Nonetheless, ALTV does differ with the Commission on some aspects of its approach. ALTV remains concerned that local television stations may be backed into the corner of making some programming judgments based strictly on the ability to comply with the Commission's requirements for captioning programming. Local television stations never ought be placed in the position of making programming decisions based primarily on regulatory requirements. Neither Congress nor the Commission considers this acceptable.¹⁴ Yet, in some significant respects the Commission's proposals rest on unrealistic premises and lack the flexibility necessary to assure that broadcast programming decisions remain creatures of broadcasters' best judgments about the programming needs, interests, and tastes of their local viewers, rather than well-intended, but arbitrarily imposed regulations.

In particular, ALTV urges the Commission to modify its approach as follows:

- The Commission should state a willingness to extend the phase-in and recraft exemptions as may be dictated by marketplace conditions and other considerations in the future.

¹¹Notice at ¶103.

¹²Notice at ¶122.

¹³Notice at ¶123.

¹⁴See, e.g., Notice at ¶90, citing House Report at 114 and Conference Report at 183.

- Hard and fast rules relating to currently captioned programming should be avoided; the proposed percentage requirements to be imposed over time should suffice.
- The Commission never should require that all programming on local television stations be closed captioned.
- Advertising, home shopping, interstitials, and promotional material should be exempt from captioning requirements.
- Local television stations should bear no responsibility for captioning political advertising and programming.
- Captioning should not be required for theme music and other background and incidental music accompanying video programming.
- Any library programming already distributed to and held "on the shelf" by local television stations should remain permanently exempt.
- Captioning of programming produced by local television stations should not be required unless and until it can be shown to be cost-effective.
- No new record keeping or public file requirements should be imposed on local television stations.

These modifications to the Commission's proposals reflect Congress's directive that implementation schedules not be economically burdensome on local television stations and other affected industries.¹⁵ They also reflect ALTV's concern that the current onslaught of competitive and regulatory pressures on local television stations dictates that new regulations which impose additional costs on stations be very carefully considered, particularly in light of their impact on the abilities of local television stations to subsidize the public interest programming and activities which traditionally have set local broadcasters apart from competing video media.¹⁶

¹⁵H.R. Report 104-204, 104th Cong., 1st. Sess. At 113-114 [hereinafter cited as "House Report"]].

¹⁶See Comments of the Association of Local Television Stations, MM Docket No. 95-176 (filed March 15, 1976) at 13.

II. THE COMMISSION SHOULD STATE A WILLINGNESS TO EXTEND THE PHASE-IN AND RE-CRAFT EXEMPTIONS AS MAY BE DICTATED BY MARKETPLACE CONDITIONS AND OTHER CONSIDERATIONS IN THE FUTURE.

The Commission has proposed an eight to 10 year phase-in for captioning of new programming.¹⁷ It also has proposed to phase-in the captioning requirement for library programming and to exempt certain categories of programming from captioning requirements.¹⁸ ALTV urges the Commission to embrace flexibility as the cornerstone of its proposals. In particular, the Commission should be open to extending the phase-in timetable -- whether it be eight or 10 years -- if and as warranted by future developments.¹⁹

Closed captioning, as the Commission well appreciates, involves uncertainties and imponderables as local television stations advance into a future which will be characterized by revolutionary change in the delivery of video programming to consumers. First, the supply of trained personnel to implement captioning programs at the national and local levels is uncertain. One simply cannot predict with confidence how quickly the market will respond. Furthermore, the depth of the supply of trained personnel likely will vary from locality to locality.

Second, all local television stations will be plunged into the transition to digital television transmission (DTV) during the phase-in of closed captioning requirements. Digital television remains the domain of far more questions than answers. No less is the case than with respect to the

¹⁷Notice at ¶41.

¹⁸Notice at ¶¶41 *et seq.*, 63 *et seq.*

¹⁹ALTV considers it unrealistic to lock into a set implementation schedule and, therefore, takes no position at this time on the duration of an appropriate implementation period. All other things' being equal, ALTV would favor a more extended schedule (*i.e.*, ten years, rather than eight years). However, ALTV prefers to focus on the need to remain flexible, rather than on whether "x" number of years today seems the right amount of time to implement the Commission's proposed captioning regime.

captioning of digital signals.²⁰ The only acknowledged verity at this point is that stations will be required to invest millions of dollars and will face many risks in transition to digital. Thus, closed captioning requirements will overlay a very uncertain period for local television stations.²¹

Third, whereas the Commission's proposal to place responsibility for captioning solely on video program providers has the appeal of a simple approach, it may be based on an overly simplistic view of the market.²² The implicit premise of the Commission's proposal is the superior bargaining position of the local video program provider. If, as the Commission appears to assume, stations have sufficient bargaining power with program distributors (*i.e.*, networks, syndicators, etc.), then the Commission's proposal is sound. If, however, stations have less bargaining power than their suppliers, then their ability to insist that programs be captioned is less certain. Thus, the Commission's blithe statement that a video program provider can just refuse to purchase noncaptioned programming may be wishful thinking. Whereas nationwide networks likely will have no trouble securing captioning via their license agreements with producers, local stations may face difficulties. This is particularly true with respect to high risk programming genres, where popularity is far from assured and producers and syndicators are less willing to assume the additional burden of captioning.

In such circumstances, stations' programming decisions could be affected. Unable to insist that a distributor caption the program and unable to afford to caption the program itself, stations

²⁰*Notice* at ¶48.

²¹*See* ALTV Comments at 14-16.

²²*See Notice* at ¶30.

may be forced to by-pass noncaptioned programs despite the licensee's best judgment that the program would serve the needs of the public.²³ This is a far cry from what Congress intended.²⁴

What may appear sound judgments today about the feasibility of the Commission's phase-in timetable easily could become undone by future developments. ALTV, therefore, urges the Commission to remain flexible and ready to extend the phase-in timetable if warranted by future developments. In that respect, ALTV also urges the Commission to schedule a review of its rules and timetables after more experience is gained with captioning. Such a review might be scheduled preliminarily for four or five years hence. ALTV also urges the Commission to retain some flexibility in its position and be prepared to modify its initial view that video program providers remain solely responsible for captioning programming. With the benefit of more experience, the Commission then will be able to assess more reliably whether its ongoing phase-in timetable and expectations of the marketplace are reasonable.

III. HARD AND FAST RULES RELATING TO CURRENTLY CAPTIONED PROGRAMMING SHOULD BE AVOIDED; THE PROPOSED PERCENTAGE REQUIREMENTS TO BE IMPOSED OVER TIME SHOULD SUFFICE.

The Commission has stated that it expects its current level of captioning to continue.²⁵ Such an expectation seems reasonable at first blush. However, its superficial appeal ought not lead to adoption of a hard and fast rule that currently captioned programming remain captioned. First, such a requirement is unnecessary. The phase-in timetable will assure that the amount of captioned new programming increases over time. In the context of an ongoing, overall increase in the amount

²³See ALTV Comments at 9.

²⁴House Report at 114.

²⁵Notice at ¶46.

of captioned new programming, whether any particular program is captioned is of small moment. Second, decreases in government funding might temporarily leave some currently captioned programming uncaptioned. Local television stations should remain free to allocate resources as they see fit within the confines of the phase-in timetable, rather than being forced to maintain captioning for programming which has lost captions due to a withdrawal of government support or other unexpected eventuality. Third, the transition to DTV may create instances in which captioned programs temporarily go without captions due to unexpected difficulties in implementing digital production and transmission of programming. Finally, current trends indicate that captioning will be provided for more and more programming, regardless of any rule or timetable. ALTV, therefore, urges the Commission to impose no requirement that currently captioned programs remain captioned.

IV. THE COMMISSION NEVER SHOULD REQUIRE THAT ALL PROGRAMMING ON LOCAL TELEVISION STATIONS BE CLOSED CAPTIONED.

The Commission envisions a transition to full captioning for new programming, but for several specific program types, which will be exempt from captioning requirements. ALTV submits that, while generally sound, this approach lacks the flexibility necessary to assure that stations never are placed in the position of making programming decisions based on whether a program is captioned or may be captioned in an economically feasible manner. ALTV, therefore, urges the Commission to cap the phase-in at a level below one hundred per cent.

Such a "safety valve" would provide a range of true flexibility for local television stations. It also would free the Commission from dealing with an ongoing stream of requests for new exemptions and special relief by providing some breathing room even after the implementation timetable has run. The need for such leeway is illustrated by current use patterns for syndicated programming. Some popular syndicated programs enjoy sales and use in multiple windows.

Typically today when they are produced for first-run syndication or network exhibition, they are closed captioned. When the programs are syndicated in their initial window, they may be edited. This requires that the captions be resynched. More significant editing may take place for use in subsequent syndication windows. For example, more time may be carved out for commercial matter. Whereas recent syndicated programming may be broadcast in high viewership dayparts with more limited commercial interruption, they may be shifted to other dayparts where viewing is less substantial and more commercial may be inserted. A prime access hit off-network program like *Sienfeld* or *Home Improvement* may be scheduled in late-night after its initial high-visibility runs. This may be as much as six to ten years after its first release in syndication. In each progressive window, additional editing may require resynching of captioning. However, as the program's audience dwindles and the number of stations still exhibiting the program declines, additional resynching becomes prohibitively expensive in light of the programs reduced earning potential. Nonetheless, some local stations still may find the program responsive to their community's program demands in late-night or other low viewing dayparts. Such stations likely will not have the bargaining leverage with a syndicator to insist that captioning be resynched. Consequently, they will face the troublesome decision whether to find another program (which is captioned), seek special relief from the Commission, or undertake captioning the program at the station level.²⁶ Invariably, stations in such a position would simply find another program. The latter two alternatives could not be justified for a program scheduled, for example, at 1:30 a.m., when few people awake, much less watching television. In such a situation, the only viable relief for the station is a safety valve provision which offered stations some breathing room.

The Commission, too, would be spared the need to handle potential small multitudes of special relief requests or to fashion difficult-to-define exemptions. For example, whereas much of

²⁶In other words, they would face the same dilemma posed in the case of library programming which was not captioned by a producer or syndicator. *See Notice* at ¶58.

the programming which might benefit from such a general safety valve provision is today's library programming, that will not be the case in the future. Today's new network hits are the next decade's late-night fillers. ALTV's safety valve proposal would preserve the availability of these perennially attractive programs which have, nonetheless, passed their prime.²⁷ Moreover, program decisions would remain less threatened by the unintended effects of government regulation.

V. ADVERTISING, HOME SHOPPING, INTERSTITIALS, AND PROMOTIONAL MATERIAL SHOULD BE EXEMPT FROM CAPTIONING REQUIREMENTS.

ALTV submits that requiring that advertising, home shopping programs, infomercials, interstitials, and promotional matter be captioned is unnecessary. Furthermore, it would complicate any assessment of compliance with a percentage of programming based captioning timetable.

Anyone with a product or service to sell or promote -- whether it be a used car or an upcoming special program -- has every incentive in the marketplace to maximize the exposure of his or her message. Consequently, the Commission reasonably may predict that most such broadcast matter will be captioned.

On the other hand, if an advertiser does not find it cost-effective to caption an advertisement or promotional announcement, a requirement that such material be captioned would serve as a disincentive to advertise or promote a product or service on local television stations. In many cases, it might pose an insurmountable obstacle to television advertising by a local advertiser. Again, this is an unacceptable cost of regulation, which the Commission has sought to avoid.²⁸

²⁷Such a safety valve provision could be stated as flat "x" per cent exemption or as a "safe harbor" test for compliance.

²⁸Notice at ¶77.

Additionally, if such short-form material as advertising and promotional spots and interstitials of any kind are not exempt, then assessing compliance with a percentage requirement becomes a nightmare. Instead of counting program by program, stations would have to review every minute of their programming to determine their percentage of captioned programming. This only would add to the cost of regulation, thereby undermining a station's ability to maximize captioning of its basic program schedule.

ALTV, therefore, urges the Commission to refrain from requiring captioning of advertising and short-form program material.

VI. LOCAL TELEVISION STATIONS SHOULD BEAR NO RESPONSIBILITY FOR CAPTIONING POLITICAL ADVERTISING AND PROGRAMMING.

The Commission has questioned whether political advertising should be exempt.²⁹ ALTV concurs that the failure to exempt political advertising and programming likely would discourage use of broadcast advertising by candidates, especially in local elections.³⁰ At the same time, political candidates, like commercial advertisers, will have an enormous incentive to caption their political messages. Thus, the practical effect of an exemption would be to allow non-captioned advertising primarily in those instances where a captioning requirement would have stifled political discourse.

Moreover, an exemption would eliminate the tricky question arising from applicability of the no censorship provision to uncaptioned political programs and advertising.³¹ If the

²⁹Notice at ¶80.

³⁰Notice at ¶80.

³¹Notice at ¶80.

Commission adopts no exemption for political programming and advertising, it then must clarify local television stations' rights and obligations under the no censorship provision. Whereas stations may not edit content of political messages from candidates, they may require that political material comply with basic technical and other rules (*e.g.*, sponsorship identification). The Commission must clarify whether captioning falls into the former or latter category.

Finally, counting political spots, like counting advertising and other less-than-program-length material, as captioned or uncaptioned for purposes of determining compliance with a percentage requirement would pose an inordinate burden on local television stations.

In any event, local television stations should bear no burden of adding captioning to political spots and programs. Captioning is content and ought be off limits to stations. Furthermore, stations already are providing the time at a reduced rate and should not be required to bear an even greater burden. Even the practical difficulties of securing spot and program material in time to add captioning would be problematic in hot political races. Therefore, if the Commission adopts no exemption for political time, candidates should be required to provide captioned spots and programs to stations. In the event a candidate fails to do so, then the Commission must clarify whether a station must air the spot or program without captions under the no censorship provision or may refuse the program for failure to provide it in captioned form.

VII. CAPTIONING SHOULD NOT BE REQUIRED FOR THEME MUSIC AND OTHER BACKGROUND AND INCIDENTAL MUSIC ACCOMPANYING VIDEO PROGRAMMING.

The Commission generally has questioned whether theme songs with lyrics should be subject to a captioning requirement.³² ALTV respectfully submits that requiring captioning of lyrics from theme, background, and other incidental music in television programs and feature films

³²*Notice* at ¶82.

would illustrate the concept of diminishing returns. This hardly is to suggest that lyrics from songs in filmed versions of Broadway musicals, for example, should be exempt. Such lyrics often carry the story forward and are essential to understanding and enjoying the show. On the other hand, theme music, background music, and other incidental music may add marginally to the enjoyment of a program, but they rarely, if ever, are essential to understanding any aspect of subject matter of the program. Furthermore, in the case of background music, captioning of lyrics might conflict with captioning of the dialogue. Difficulty distinguishing lyrics from dialogue might even cause confusion. Finally, of course, accounting for captioning or the lack thereof of theme, background, and incidental music in the computation of the percentage of programming captioned would be problematic at best. ALTV, therefore, urges the Commission to establish an exemption for theme, background, and other incidental music.

VIII. ANY LIBRARY PROGRAMMING ALREADY DISTRIBUTED TO AND HELD "ON THE SHELF" BY LOCAL TELEVISION STATIONS SHOULD REMAIN PERMANENTLY EXEMPT.

ALTV submits that library programming already "on the shelf" at local television stations should be exempt from captioning requirements (except to the extent such programs already are captioned and are run without additional editing on the station). Captioning such programming would epitomize the undue burden which Congress found unacceptable. Local television stations will not have the capability to caption feature films and syndicated programming, as the Commission has recognized.³³ The only alternative would be sending them back to the producer for captioning. However, the station would have no way to compel the producer to caption the program.³⁴ Furthermore, the producer would have no incentive to caption the program or film for

³³Notice at ¶30.

³⁴The station's contract with the producer/syndicator would not have required captioning, or else the program or film already would have been captioned.

one or just a handful of stations. Thus, in the absence of some sort of relief for programming already on the shelf at local television stations, stations' investments in such programming would be lost. Moreover, programming stations wished to show would not be shown.

As stated in the legislative history of Act, "in general, the Committee does not intend that the requirement for captioning should result in previously produced programming not being aired due to the cost of captions."³⁵ ALTV, therefore, urges the Commission to establish a permanent exemption for programming "on the shelf" at local television stations on the effective date of the rules to be adopted in this proceeding.

IX. CAPTIONING OF PROGRAMMING PRODUCED BY LOCAL TELEVISION STATIONS SHOULD NOT BE REQUIRED UNLESS AND UNTIL IT CAN BE SHOWN TO BE COST-EFFECTIVE.

The Commission has sought comment on an earlier implementation schedule for programming such as live local news or public affairs programming.³⁶ Such a proposal not only clashes headlong with the Commission's stated desire to afford program providers flexibility, but also ignores the Congressional admonition that captioning requirements should not become the regulatory tail that wags the programming dog. As the Commission noted in its *Report*, "For many affiliated and independent stations, the costs of even limited amounts of captioning would exceed their annual pre-tax profits."³⁷ A more compelling instance of an undue economic burden is difficult to imagine!

³⁵House Report at 114.

³⁶*Notice* at ¶42.

³⁷*Report*, MM Docket No. 95-176, FCC 96-318 (released July 29, 1996) at ¶52.

The phase-in of the captioning requirement is necessitated by just this fact. Captioning today for locally-produced programming would be prohibitively expensive. Whereas many stations do caption their local news, local public affairs programming is less likely to be captioned. Such programming -- which may be considered public interest programming *in which the public typically shows little interest* -- provides no economic base to support captioning. Nonetheless, despite lack of viewer interest and program profitability, the Commission suggests the possibility of an accelerated implementation schedule.

The more rational approach would be an exemption for such programming until such time as captioning no longer would be economically burdensome to local television stations. By ignoring the Congressional directive to avoid placing undue economic burdens on local stations, the Commission would pre-ordain a result which clashes with Congress's insistence that captioning not cause programs to be taken off the air. As ALTV has warned consistently, stations have alternatives for their locally-produced public affairs programs.³⁸ Nationally syndicated programs which deal with problems and issues of national (and invariably local) interest as well could replace locally-produced programs. These national programs enjoy an audience base sufficient to support captioning. Neither Congress nor the Commission wishes to engender this sort of caption-based program decision making, but this is precisely what the Commission invites by proposing an earlier implementation schedule for local public affairs programming.

The time may well come when captioning of such programming no longer imposes an undue burden on local television stations. At that time, the Commission might eliminate the exemption. However, until then, local stations should not be burdened with a captioning requirement which would serve only as a disincentive to broadcast this genre of public interest programming.

³⁸ALTV Comments at 12 *et seq.*

X. NO NEW RECORD KEEPING OR PUBLIC FILE REQUIREMENTS SHOULD BE IMPOSED ON LOCAL TELEVISION STATIONS.

The Commission proposes to rely on existing complaint processes to enforce the captioning requirements. ALTV concurs that no new or unique procedures or enforcement mechanisms are necessary. In particular, no additional public file or record keeping requirements should be adopted. As a practical matter, stations have every incentive to maintain records which they may use to demonstrate compliance if called upon to do so in the face of a complaint to the Commission. Stations which fail to do so will be at risk of sanction if they cannot demonstrate compliance. Therefore, stations need not be required to maintain such records; sound business practice will dictate that they do so.

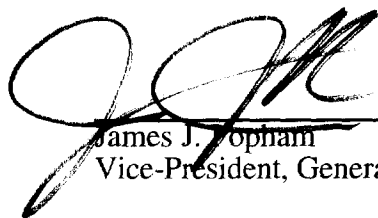
XI. CONCLUSION

In view of the above, ALTV respectfully urges the Commission to eschew a rigid timetable and embrace flexibility. To that end the Commission should

- State a willingness to extend the phase-in and recraft exemptions as may be dictated by marketplace conditions and other considerations in the future.
- Avoid hard and fast rules relating to currently captioned programming.
- Never require that all programming on local television stations be closed captioned.
- Exempt advertising, home shopping, interstitials, and promotional material from captioning requirements.
- Insulate local television stations from responsibility for captioning political advertising and programming.
- Exempt theme music and other background and incidental music accompanying video programming from captioning requirements.
- Permanently exempt all library programming already distributed to and held “on the shelf” by local television stations.
- Require captioning of programming produced by local television stations only after it can be shown to be cost-effective.
- Impose no new record keeping or public file requirements on local television stations.

Adoption of ALTV's proposals will assure that the Commission adopts a reasonable and realistic scheme of regulation for closed captioning, as well as one which is consistent with the common sense approach contemplated by Congress.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Opham", is written over a horizontal line.

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